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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 22 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Elimination or Revision of Certain
Reporting Requirements under Part 43 of
the Commission's Rules, Reports of
Communication Common Carriers and
Certain Affiliates.

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CC Docket 93-5

**COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION**

The United States Telephone Association (USTA) respectfully submits its comments in the above-referenced proceeding. USTA is the primary trade association of the exchange carrier industry. Its membership of approximately 1,100 telephone companies provides over 98 percent of the telephone-company provided local access lines in the United States.

I. BACKGROUND.

USTA provides these comments in response to the Commission's Notice of Proposed Rulemaking (NPRM) released on February 2, 1993.¹ This proceeding is part of the Commission's ongoing Regulatory Reform Program, an effort designed "to evaluate existing regulations and to accelerate action on initiatives that will eliminate any unnecessary regulatory burden and promote economic growth."² The Commission has

¹Notice of Proposed Rulemaking, Elimination of Revision of Certain Reporting Requirements under Part 43 of the Commission's Rules, Reports of Communication Common Carriers and Certain Affiliates, CC Docket No. 90-5, FCC 93-18, rel. February 2, 1993 (NPRM).

²Id. at ¶ 1.

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undertaken a review of its reporting requirements to determine those reports which are no longer necessary or which should be modified to meet its regulatory needs. It found that certain reporting provisions under Part 43 of its rules are no longer needed, and their elimination would not harm the public interest.³

II. DISCUSSION.

A. Elimination of Pension and Benefits Data Filing.

In the NPRM, the Commission proposed to eliminate Section 43.42 of its Rules, 47 C.F.R. § 43.42. Specifically, Section 43.42(a) currently requires submission of reports on pensions and benefits by Class A communications common carriers, which have annual operating revenues in excess of \$100 million.⁴ The Commission reasoned that the changes resulting from the enactment of the 1974 Employee Retirement Income Securities Act (ERISA)⁵ which established standards of conduct for pension and welfare benefits plans, as well as the issuance of three Statements of Financial Accounting Standards (SFAs) by the Financial Accounting Standards Board (FASB) have provided greater uniformity in estimating and accounting for pension and benefits costs. With increased oversight by other governing bodies, there is a corresponding, reduced need for the Commission to collect the same pension and benefit data.⁶

USTA supports the proposed elimination of Section 43.42. With parallel reporting

³Id. at ¶ 2.

⁴Id. at ¶ 3 and n.4.

⁵Pub. L. 93-406, 88 Stat. 829.

⁶Id. at 5-8 and n.5.

requirements and safeguards required by other federal agencies and FASB, the Commission's oversight responsibility herein will not be compromised. Furthermore, Internal Revenue Service Form 5500, Return/Report of Employee Benefit Plans, and the Department of Labor's Summary Plan Description, to which the Commission alluded in the NPRM, contain similar reporting requirements which would obviate the need for filing pension and benefit data with the Commission.⁷ Moreover, under current rules, these Class A carriers are already reporting their pension data in the Automated Reporting Management Information System" (ARMIS) reports filed quarterly with the Commission.⁸ To submit the same data under another Commission rule would be a waste of both Commission and carrier resources.

B. Amendment of Section 43.21(c).

The NPRM proposes to amend Section 43.21(c), 47 C.F.R. § 43.21(c), by increasing the specified revenue limit for reporting so that its provisions will apply to

logical reason why financial reports from the holding companies that directly or indirectly control them need to be filed. The Securities and Exchange Commission already requires public filing of the Form 10-K by publicly-held corporations. The Commission's requirement would seem duplicative.

III. CONCLUSION.

USTA applauds the Commission for its effort to eliminate unnecessary regulatory burdens on the subject carriers' reporting requirements. As stated above, Sections 43.42 and 43.21(c) of the Commission's rules as codified have become redundant and out-of-date. They should be eliminated and amended as proposed.

Respectfully submitted,

UNITED STATES TELEPHONE ASSOCIATION

BY 

Martin T. McCue
Vice President & General Counsel

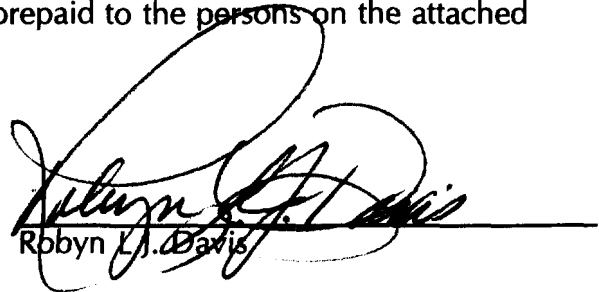
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March 22, 1993

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on March 22, 1993 copies of the foregoing Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.



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